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I. F. Stone's Weekly

VOL. VIII, NO. 13 APRIL 4, 1960 WASHINGTON, D. C. 15 CENTS

Will the Democrats Invite the Label of War Party?

It is one of the oddities of the Anglo-American alliance that *their* left-of-center opposition party presses more strongly than the Conservatives for summitry while ours regards negotiation and relaxation of tension with suspicion. Prime Minister Macmillan flew back from the Camp David talks with President Eisenhower sure of even warmer applause from the Laborites than from his own party. There the opposition is to the left of the government on the question of how far to go on the path of concessions for peace; here the opposition is to the right of the government, and ever watchful for an opportunity to criticize any step toward settlement as "appeasement." This picture may be fatal to Democratic hopes in November, for the counter-proposal by Eisenhower and Macmillan to the Russians puts the issue of a nuclear test ban squarely into politics. The "gentlemen's agreement" to suspend the smaller tests while detection systems are perfected cannot constitutionally bind the President's successor. The question of which candidate and which party can be trusted to carry on the Eisenhower initiative will be decisive for many voters since it is generally feared that resumption of testing would be the end of humanity's last hope for preventing a new war.

A "Yes" Qualified to Ambiguity

No doubt any Democratic candidate will try to be equivocal enough on the issue to garner votes from both sides. The *Washington Star* has already queried Humphrey, Johnson, Kennedy and Symington on whether they would approve a moratorium on small tests extending beyond next January 20 when a new President will be sworn in. The *Star* reported March 27 that it received a "qualified yes" from all four but a careful reading of the replies will show that, except for Humphrey, the other Democratic candidates (including Kennedy) qualified their answers to the point of meaningless ambiguity. Were our opposition party a peace party, the Democrats would have stolen some of the limelight from the Eisenhower-Macmillan talks by a statement not only pledging themselves to a gentleman's agreement but taking credit for the fact that it was Adlai Stevenson who first suggested cessation of testing and Hubert Humphrey who proposed this very compromise months ago. There were those in the Democratic Advisory Council who favored some such move early last week for release *before* the Camp David talks ended but they got nowhere. After all, the Democratic party has been the ally of all those military and atomic elements in the Administration which have been mutinously undercutting the President's moves toward peace. Those of us who are normally Democratic are grateful to Mr. Eisenhower for the sudden burst of energy on the President's part which finally brought about positive decisions on the eve of Macmillan's visit, and the agreement at Camp David. Unless the Democratic candidate is someone like Stevenson or Humphrey whose record is some guarantee of an extended test ban, even Nixon may not scare us away from voting Republican.

The untrustworthiness of the Democrats on this issue is dramatized by the immediate negativism registered toward any nuclear test cessation by the leading Democrats on the Joint Committee on Atomic Energy, Senators Anderson and Gore, and Representative Chet Holifield. They leaped to echo the alarmist views of the AEC before they knew the content of the Russian offer and without waiting for the President's counter-offer. The Russian offer was on Saturday, March 19. Anderson was on the Senate floor calling it "phony" on Tuesday, March 22. But in the Senate March 28, under criticism from cooler heads like Clark of Pennsylvania, he admitted that the Joint Committee and the Senate Foreign Relations Committee "had nothing [as Anderson said] on which to base an accurate judgment until late Friday afternoon," March 25. So long as such leading Democrats are so quick to spread confusion and suspicion of so crucial a move toward peace, the Democrats invite the label of war party. This could be deadly in November.

Getting Ready to Detect "Moonquakes"

In those areas of seismic detection which do not involve disarmament, the government's experts seem confident of developing devices which can detect at distances considerably greater than Irkutsk or Omsk. It is only in the seismology which might lead to an arms agreement that stress is on the negative, on what can't be done. A scientist friend, for example, told us he heard we were developing means to monitor seismic shocks—"moonquakes"—on the moon, which even the AEC might admit is somewhat less accessible than the Soviet Union.

We checked around the capital for confirmation and found it at the National Aeronautics and Space Administration. We were told by its press officer that NASA has parallel contracts with Caltech and Lamont Observatory at Columbia for the development of a "missile transportable, hard landing" instrument for the detection of seimic disturbances. This is to be dropped on the moon and telemeter its reports back to earth. Each contract is for $130,000. The device is to be ready by 1963. Since the principles of seismic detection and telemetry are well understood, this is not considered too difficult an assignment.

Of course, if it became necessary to make a moon monitoring agreement with the Soviet Union, we would expect to be warned by Dr. Teller that moonquakes might be muffled in moonbeams and sublunatic nuclear explosions hidden in large holes of green cheese.

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Frankfurter Defends Practices He Protested 40 Years Ago in the Palmer Red Raid

Sloppy Counter-Intelligence and Sloppy Law Work in the Abel Case

When a Soviet agent named Hayhanen defected in 1957 and put his finger on his superior, a Col. Abel, he handed American authorities an unusual opportunity. By patiently watching Abel, they could uncover his American contacts, perhaps infiltrate the Soviet network by putting false agents at Abel's disposal. His arrest within a few weeks instead and his trial with Hayhanen as a witness against him was glamorous publicity for the FBI but poor counter-intelligence.

The legal tactics of the FBI were as sloppy. Too impatient to try and catch Abel "in the act", the FBI decided to arrest him after a month's surveillance. It could have obtained a warrant for his arrest on the basis of Hayhanen's information. It decided against this, perhaps fearing that Hayhanen's identity would have to be revealed. If so, this was a poor guess since the Supreme Court in a narcotics case last Monday (*Jones v. U.S.*) with only Mr. Justice Douglas dissenting, ruled that a warrant can be obtained without the informant's disclosure.

Three Weeks In Solitary

The FBI got the Immigration and Naturalization Service to issue a warrant for Abel's deportation; such warrants are issued in administrative privacy without going to a magistrate. FBI agents then entered Abel's room and tried to get him to "cooperate." When he refused, they summoned the immigration officers, went through his belongings with a search warrant, flew him secretly to a special detention camp 1,000 miles away, and held him three weeks in solitary confinement. When, after prolonged interrogation, Abel still declined to cooperate, he was charged with espionage. This was so glaringly inconsistent with the Fourth Amendment's guarantees against prolonged detention without arraignment and unlawful search, that the government came within one vote of having Abel's conviction reversed by the Supreme Court.

A shift in the position of Mr. Justice Frankfurter saved the FBI from a humiliating defeat in an otherwise open-and-shut espionage case endangered by its own TV-style melodrama. Some fascinating history lies behind the reference in Mr. Justice Frankfurter's 5-to-4 decision to *Colyer v. Skeffington* (265 F 17). He said he would not have upheld the Abel conviction if in it the immigration service, as in *Colyer,* had only been used "as the cat's paw" for the FBI.

Forty years ago Attorney General A. Mitchell Palmer and a young Federal agent named J. Edgar Hoover, using 3,000 deportation warrants obtained from the immigration service, superintended the arrest in a single night of 4,000 suspected radicals. This was the notorious Palmer "red raid." Twelve leading jurists filed a famous report denouncing these illegal methods and two of them appeared in defense of those arrested in the Colyer case. These were two Harvard Law School professors, Zechariah Chafee, Jr., and Felix Frankfurter. Then as now, the immigration service acted as cat's paw for the FBI. It is hard to see a difference.

The dissenters, Warren, Black, Douglas and Brennan, threw back at Frankfurter words he used dissenting ten years ago in the Rabinowitz case about the police state practice of using arrest on a minor charge as a cover for search and seizure on a more serious matter. The FBI, as Justices Douglas and Black pointed out, is given a way to circumvent the Fourth Amendment "by the simple device of wearing the masks of immigration officials while in fact they are preparing a case for criminal prosecution."

Un-American to Criticize the Un-Ams?

In the Spanish Inquisition, any criticism of the Holy Office was itself proof of heresy. The Supreme Court has taken up a similar question in granting certiorari in the Frank Wilkinson case. A former Los Angeles New Deal housing official, Mr. Wilkinson has been campaigning for several years to abolish the House Un-American Activities Committee. In December, 1956, he was called before it in Los Angeles but refused on principle to answer any questions. No action was taken against him. On July 23, 1958, within hours of arriving in Atlanta, Georgia, to protest the Committee's hearings on "subversion in the South," Mr. Wilkinson was again subpoenaed. Again he refused to answer. He was accused of trying to stir up animosity against the Committee. Among the questions put to the Court in the petition for certiorari were (1) whether the Committee was authorized to investigate propaganda against itself and (2) if it was, whether such authorization did not violate the First Amendment.

Best Analysis We've Seen of Just How Phony the House Civil Rights Bill Is

"The civil rights bill passed by the House might have been a significant achievement in McKinley's day. As the 1960 version of a bill to protect constitutional rights, it can only be counted a failure. Look at the hurdles that stand in the way of registration of Negro citizens under the House bill:

"First, the Attorney General must institute a suit under the 1957 Civil Rights Act; in 2½ years, he has brought only four or five cases over the entire South.

"Second, even after the Attorney General wins the case, he must prove 'a pattern of discrimination' before the referee provision comes into effect.

"Third, even though the state voting registrar has been legally adjudged guilty of systematic discrimination, the Negro applicant must take the humiliating and sometimes perilous course of seeking out and attempting to register before that hostile state official.

"Fourth, the Negro applicant must go before the referee and prove that state officials denied him registration.

"Fifth, the Negro applicant must appear before the judge, if the state objects to the referee's report, and prove his case once again.

"Bluntly put, the referee provision as passed by the House may well be a step backwards. Under the 1957 Civil Rights Act, it seems quite likely that a court of equity could now adopt a more expeditious and less burdensome referee system.

"The leadership is attempting to pressure Senators, with the threat that if they attempt to improve the House bill, they will risk a stalemated House-Senate conference and perhaps no bill at all. In view of the inadequacies of the House bill, little is being risked; those who are concerned with civil rights should be ready to run that risk to get a bill worthy of the name."

—Letter (slightly abridged) by Joseph L. Rauh, Jr., and William Taylor, of Americans for Democratic Action in Washington Post, March 29.

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AFL-CIO, On Eve of Summit Talks, to Hold "No Concessions" Foreign Policy Parley

Meany and Lovestone To Make U.S. Labor An Adenauer Sounding Board

On the eve of the summit talks, the AFL-CIO will stage a Conference on World Affairs in New York City April 19-20 designed to sell the American public the "no relaxation of tension" line espoused by Chancellor Adenauer. The Conference as announced in the March 26 issue of the *AFL-CIO News,* will be a sounding board for those who oppose world settlement and a slowing down of the arms race.

The conference reflects the close cooperation between AFL-CIO President George Meany and the German Chancellor. Last December, during a recess in the International Confederation of Trade Unions meeting in Brussels, Meany went up to Bonn with his *eminence grise,* Jay Lovestone. There they were both awarded medals (the so-called Free German Award) by Adenauer (see picture in the *AFL-CIO News,* Dec 19).

Meany's Ex-Communist Adviser on Foreign Policy

Lovestone, head of the American Communist party until 1929 when he was removed by Stalin, and later leader until 1940 of a splinter group known as the "Lovestonite" Communists, became a protege of David Dubinsky and then foreign affairs adviser to Meany. His views (see box in an adjoining column) are also those of the China and armament lobbies.

When the Chancellor was in Washington he definitely failed to sell the President quite the frozen posture he would like the U.S. to adopt at the summit conference. But he found accord at AFL-CIO headquarters. The March 19 issue of the *AFL-CIO News* carried a picture of the Chancellor visiting the AFL-CIO and being greeted by Meany. The caption said Meany told Adenauer "labor believes there can be 'no concessions' in negotiations 'which would in any way jeopardize the freedom and security of the two million residents of West Berlin.' "

The arrangements for the conference, as announced in the *AFL-CIO News,* will give no forum to those who believe in the necessity of negotiation, in the ending of nuclear tests or in disarmament. Meany will be the keynote speaker opening day April 19 with an address on "American Labor and the World Crisis." The April 20 session will be opened by Gen. John B: Medaris, recently retired chief of the Army's missile program, and a principal source of alarms about "the missile gap."

Gen. Medaris will be followed by Dr. Henry A. Kissinger of Harvard, who rose to prominence as research director for the Rockefeller report urging a sharp step-up in the arms program. Dr. Kissinger is an advocate of "limited nuclear war." The main speaker at the closing session Wednesday afternoon will be Wm. C. Foster, former deputy secretary of defense, and chairman of the committee which fathered the alarmist "Gaither report" several years ago advising bigger arms spending.

The *AFL-CIO News* bills this program as designed to give the nation *"competent* clarification" (our italics) of the problems "to be dealt with at the East-West summit meeting." The other speakers announced are Prof. Frank Tannenbaum of Columbia on Western hemisphere problems; Prof. David N. Rowe of Yale on the Far East; and Dr. Ernest Grigg, of the UN on Africa and the Near East.

Perhaps as a sop to those who regard this as too one-sided a program there will be a dinner April 20 *after* the conference closes to be presided over by Walter Reuther with Under Secretary of State Dillon as the featured speaker. No address by Reuther, who does not see eye to eye with Meany on foreign policy, is scheduled.

Differences in foreign policy between Meany and Reuther reflect the differences between the A.F. of L. and the CIO. The former, under the influence first of Matthew Woll and then of Dubinsky and Lovestone, was to the right of the Roosevelt Administration on foreign policy as Meany today is to the right of Eisenhower. The A. F. of L. has never really been reconciled to recognition of the Soviet Union, a step it opposed at the time in 1933.

On the other hand, the CIO under Murray and Hillman as under Reuther, consistently took a more progressive attitude. Between Reuther and Lovestone there is bad blood which goes back to the 30's when Lovestone's protege, Homer Martin, tried by strong arm and other dubious methods to establish a rival auto union.

Lovestone's Foreign Policy

"Today the A.F. of L. in no small measure through its free trade union committee, opposes vigorously (1) every Communist and Titoist maneuver to penetrate the International Confederation of Free Trade Unions, (2) every effort to recognize and admit Communist China into the UN, (3) extending trade relations with Soviet orbit, (4) putting faith in the Kremlin's 'new look' and coexistence hoax, (5) slackening American rearmament and free world collective security measures."

—Jay Lovestone, letter published in George Sokolsky's column, Washington Post, Jan. 14, 1955.

One Congressman Speaks Out Amid Festivities Here for Franco's Foreign Minister

"Mr. Speaker, at the risk of sounding a sour, even inhospitable note, permit me to list a few facts about Spain's Foreign Minister, now here in Washington on an official visit. Senor Castiella and the present Spanish Ambassador in Washington wrote a book in 1941 praising Hitler and Mussolini extravagantly and mocking the democratic countries then engaged in the war. Here's a sample of what they wrote:

" 'Non-belligerent Spain does not conceal her fervent cordiality toward one of the two sides in the war which was unleashed on September 1, 1939, five months after we achieved our own victory, in an act of indescribable insanity by the British and French democracies against the Third Reich under Adolph Hitler."

"During World War II our distinguished visitor fought in the Spanish Blue Division with the Germans against the Soviet Union. He was awarded the Iron Cross. After the war, the British refused to accept him as Ambassador from Spain. One of his jobs in Spain today is to blacklist Catholics who indicate a dislike for Franco.

"Communication is necessary between all governments. However, it is to be hoped that the President realizes that, for this gentleman and his despotic government, the formal handshake, not the warm embrace, is appropriate."

—Chas. O. Porter (D. Ore.) in the House of Representatives, March 23.

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Soviet "Christmas Package" Offer to Compromise Four Major Questions Still Unanswered

A Nuclear Test Ban Treaty Could Be Reached Quickly If We Wanted It

Given the desire to agree, a treaty is much closer than the dispellers of gloom would have us believe. The day after President Eisenhower's proposal Feb. 11 for a limited treaty, Tsarapkin had already told reporters at Geneva the idea of such a treaty plus a moratorium on the smaller shots "would be a different thing" and "would have to be considered." *(New York Times,* Feb. 13). On Feb. 26 the Soviet Union agreed to joint research on detection once a treaty banning all tests was signed without waiting for ratification. At the same time it was disclosed by the British delegate that Khrushchov had offered to reconsider the quota of veto-free inspections every two years on the basis of experience gained in operating the control system. *(Wash. Post,* Feb. 27). Earlier, on Jan. 15, Tsarapkin indicated that if the number of veto-free inspections were decided it would be easy to agree on the scientific criteria for determining a suspicious event subject to inspection. When Sir Michael Wright suggested "provisional" criteria, Tsarapkin was friendly to the idea noting that since it would take two or three years to set up the control system "there was plenty of time to improve upon them" *(The Times,* London, Jan. 16).

Why "Peaceful Uses" Are An Obstacle

There is some evidence that we have been allowing the question of peaceful uses to stall the negotiations. According to an AP dispatch from Geneva *(Baltimore Sun,* Feb. 24), "the Soviet Union reluctantly agreed a year ago to allow peaceful nuclear blasts to be continued after a test ban treaty was signed" but only on condition that "such blasts be conducted with devices open to complete inspection by all parties to the treaty." The U.S. delegation, however, insisted, according to this dispatch, "that American devices used in nuclear blasts for peaceful purposes remain secret." Obviously if the device is secret, there is no way of knowing whether its detonation may not be yielding weapon improvements under the guise of advancing peaceful uses. "International observation" of a peaceful blast with no right to know what was being exploded would be meaningless, and the U.S. would be the first to protest if such a proposal were made by the Russians.

There are also indications that our delegation at Geneva has been dragging its heels, perhaps because it has been unable to get clear instructions from home. Thus there has yet to be a response to the compromise "Christmas package" offered by the Russians at Geneva on Dec. 14 which would resolve four major questions still undecided. Tsarapkin in a detailed offer *(The Times,* London, Dec. 15 gave the most complete account) said that if the West accepted the Russian position on the makeup of the control commission (three Western nations, three Soviet and one neutral), the Russians would in large part accept the Western position on the staffing of control posts (one third Russian, one third Anglo-American, one third neutral), for voting procedure in the control commission and for budgetary procedure. Sir Michael Wright, the British delegate, said this was "warmly welcomed" as "an important step forward." Our delegate, Mr. Wadsworth, said only that the package proposal had "some interesting things in it." No clear response has been given, and the topics covered by the offer are still listed as unsettled.

"No Basis for Optimism" But Worried All the Same

"Official sources here are doubtful that the Eisenhower-Macmillan formula for a nuclear test ban will produce an early agreement . . . The record of the nuclear test ban conference suggests to experts here [in Washington] that no basis exists for optimism."

—New York Times, Wm. J. Jorden, March 30.

"The new Washington policy will undoubtedly be greeted as good news by world public opinion . . . But many responsible officials—particularly in the AEC and in the Defense Dept.—view the decision with pessimism and alarm . . .

"Most observers, however, are less worried about the possibility of undetectable violations of the projected test ban . . . than they are about the psychological relaxation . . . Western military defenses might suffer."

—New York Times, Hanson W. Baldwin, same day.

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NEWSPAPER

Entered as Second Class Mail Matter Washington, D. C. Post Office

I. F. Stone's Weekly. Entered as Second Class Matter at Washington, D. C., under the Act of March 3, 1879. Post-dated Mondays but published every Thursday except the last two Thursdays of August and December at 5618 Nebraska Ave., N. W., Washington 15, D. C. An independent weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: $5 in the U. S.; $6 in Canada; $10 elsewhere. Air Mail rates: $15 to Europe; $20 to Israel, Asia and Africa.

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